

In re: Kokubo et al.
Appl. No.: 09/842,466
Filed: April 26, 2001
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REMARKS

Claims 1 and 6-10 stand rejected under 35 U.S.C. 102(b) in view of Hampton et al., U.S. Pat. No. 5,089,270. Claims 1 and 6-20 stand rejected under 35 U.S.C. 103 in view of Hampton et al. in further view of Berta, U.S. Pat. No. 4,820,524.

Claim 1 of the application provides a solid preparation coated with a continuous film coating layer wherein the film coating layer has two or more different colors or a pattern of two or more different colors. As described in the specification, the film coating layer is a continuous layer, compared to bi-component layers described in the references. Claim 1 has been amended to emphasize that the recited film coating layer is a single continuous film coating layer. Support for the addition of "single" is found throughout the detailed description, which repeatedly describes "film coating" or "film coating agent" in singular form.

Referring to Hampton '270, the reference describes a multi-characteristic, bi-layer, capsule-shaped tablet which consists of a first and second different coloring agent compressed longitudinally into the shape of a two color capsule (first sentence of Abstract). Thus, Hampton '270 does not teach or suggest a single continuous film coating layer having two or more different colors.

Hampton '270 discusses a multi-colored tablet coated with a clear coating such as gelatin (second sentence of abstract). However, the single gelatin layer of Hampton does not have two or more different colors.

Referring to Berta '524, the reference describes dipping the ends of caplets into gelatinous coatings of different colors, thereby creating a simulated 2-piece capsule look to the finished caplets with seams about their transverse axes (column 5 line 66 to column 6 line 2). Thus, two coating solutions having two different colors are used. Page 8, lines 35-40 and Claim 1 of Berta '524 each refer to multiple coatings, rather than a single continuous coating having two or more colors. Although Berta '524 teaches bifurcated color schemes (column 8 lines 29-34), two different coating solutions are used, each having a different color.

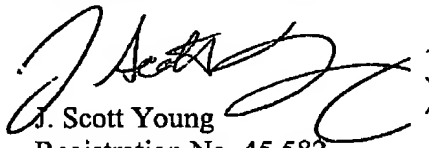
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Neither Hampton nor Berta, alone or in combination, describes a single continuous coating layer having two or more colors. Because the references do not teach each recitation of the claimed invention, the claimed invention is novel and non-obvious over the cited references.

Applicant respectfully requests that the instant application be allowed. If the Examiner has any questions about this response, they are urged to contact the undersigned by telephone.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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11/25/02

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Version with Markings to Show Changes Made:

1. (Once Amended) A solid preparation coated with a single continuous film coating layer, wherein the film coating layer has two or more different colors or a pattern of two or more different colors.